

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER TODD RUSCHHAUPT,
Plaintiff,
v.
DONALD J. TRUMP, et al.,
Defendants.

No. 2:21-cv-02388-TLN-KJN
ORDER

On February 2, 2022, the magistrate judge filed findings and recommendations (ECF No. 19), which were served on the Plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On February 22, 2022, Plaintiff filed untimely objections to the findings and recommendations (ECF No. 21), which nevertheless have been considered by the Court.¹

This Court reviews *de novo* those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981); *see also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection has been made, the Court assumes its correctness and decides the matter on the applicable law.

¹ On February 14, 2022, Plaintiff also filed a two-page “motion for summary judgment.” (ECF No. 20.)

1 *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's
2 conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d
3 452, 454 (9th Cir. 1983).

4 The Court has reviewed the applicable legal standards and, good cause appearing,
5 concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly,
6 IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations (ECF No. 19) are ADOPTED IN FULL;
- 8 2. The action is DISMISSED without prejudice, for lack of subject matter jurisdiction based
9 on the frivolous nature of the claims asserted;
- 10 3. Plaintiff's motions to proceed in forma pauperis (ECF Nos. 6, 14) are DENIED as moot;
- 11 4. Plaintiff's premature and unsupported motion for summary judgment (ECF No. 20) is
12 likewise DENIED as moot; and
- 13 5. The Clerk of Court is directed to CLOSE this case.

14 DATED: March 9, 2022

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17 Troy L. Nunley
18 United States District Judge
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